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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,244	12/31/2003	James A. Macove	105428-2	8872
21125 7590 05/18/2007 NUTTER MCCLENNEN & FISH LLP WORLD TRADE CENTER WEST 155 SEAPORT BOULEVARD BOSTON, MA 02210-2604			EXAMINER PRONE, JASON D	
			ART UNIT 3724	PAPER NUMBER
			MAIL DATE 05/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/750,244

Applicant(s)

MACOVE, JAMES A.

Examiner

Jason Prone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21,22,24-27,30-32 and 41-44 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 21, 22, 24-27, 30-32, and 41-44 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claims 21 and 41 are objected to because of the following informalities: on lines 11-12 of claim 21, the phrase "at least one razor blade in the first blade group" should be replaced with "at least one razor blade in the second blade group". On lines 11-12 of claim 41, the phrase "at least one razor blade being provided at an acute angle to the first working plane" should be replaced with "at least one razor blade being provided at an acute angle to the second working plane". On the last 2 lines of claim 41, the phrase "the distance between the cutting blade and the individual's skin to be minimized to facilitate shaving in confined hard-to-reach areas of the face" should be replaced with "a distance between the at least one razor blade and an individual's skin to be minimized to facilitate shaving in confined hard-to-reach areas of the individual's skin"

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 41-44 are rejected under 35 U.S.C. 102(b) as anticipated by Rozenkranc (6,276,061). See Appendix A for examiner added reference labels.

In regards to claim 41, Rozenkranc discloses the same invention including a razor system providing both broad area shaving and trim shaving blade groups within a

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single cartridge (2), an elongate handle defining a handle axis (1), the razor cartridge disposed on the handle (Fig. 2) having a first blade group having a plurality of blades configured to provide a broad area shaving in a first working plane (3), the first working plane (T) intersects the handle axis (Fig. 2) and the plurality of razor blades being provided at an acute angle to the first working plane (3 and T), a second blade group having at least one razor blade (4) configured to provide trim shaving in a second work plane (U), the second working plane intersects the handle axis (Fig. 2) and the at least one razor blade being provided at an acute angle to the second working plane (4 and U), the first and second working planes intersect each other so as to define a line of intersection that is substantially transverse to the handle axis (Fig. 2), the first and second working planes intersect at an angle between about 0° and 150° (U and T, it is clear that the angle created by the intersection of U and T is acute and greater than 0° therefore it anticipates the limitation), the blade group includes a blade platform (50) and a leading-edge blade guard (51), the platform, guard, and the blade on the second working plane (Appendix A clearly shows that U travels through each item), the guard has a thin profile to allow a distance between the blade and the skin to be minimized to facilitate shaving (51).

In regards to claim 42, Rozenkranc discloses the first and second working planes are configured to allow conversion by a user from broad area shaving to trim shaving by rotating the handle 180° about the handle axis (Figs. 2a and 3a).

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In regards to claim 43, Rozenkranc discloses wherein at least a portion of the handle is symmetric to facilitate handling of the handle for either broad area shaving or trim shaving (Figs. 2 and 3).

In regards to claim 44, Rozenkranc discloses the handle is elongated and has a curve at an end attached to the razor cartridge (1) and the curve being concave on the same side as the first blade group (Fig. 2).

Claim Rejections - 35 USC § 102/103

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 21 (and claim 40), 22, 24-27, and 30-32 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Rozenkranc.

In regards to claims 21 and 40, Rozenkranc discloses the same invention including a razor cartridge (2) for use with a handle (1), the razor cartridge defines a handle axis (Fig. 2), a first blade group (3) provided on the razor cartridge and having a plurality of blades configured to provide a broad area shaving in a first working plane (T), the first working plane intersects the handle axis (Fig. 2) and the plurality of blades in the first blade group are angled at an acute angle with respect to the first working plane (3 and T), a second blade group provided on the razor cartridge and having at least one razor blade (4) configured to provide trim shaving in a second work plane (U),

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the second working plane intersects the handle axis (Fig. 2) and the at least one razor blade in the second group is angled at an acute angle with respect to the second working plane (4 and U), and the first and second working planes intersect each other so as to define a line of intersection that is substantially transverse to the handle axis (Fig. 2), and the first and second working planes intersect at an angle between about 75° and 135° (since the actual location of the second working plane is not defined, it could be any plane that is acute to the razor blade of the second group. In Appendix A, the intersections of planes U and T form angles W and Y. Angle Y is about 75° and angle W is about 135° . Since the second plane could be anywhere, it is clear that the angle of intersection could be within the claimed range. Also, using Appendix B, the angle in the Figure has been re-drawn with the bottom arrow (BA) is flush with a plane that incorporates the tips of blades 3 and the other arrow (TA) is extended through blade 4 and still represents a plane acute with blade 4. This angle represents a range that anticipates the claimed range).

In regards to claim 22, Rozenkranc discloses the blades in the first group are parallel to each other (3).

In regards to claim 24, Rozenkranc discloses the line of intersection is orthogonal to the handle axis (Fig. 2).

In regards to claim 25, Rozenkranc discloses the handle is attached to the razor cartridge (1) and at least a portion of the handle extending along the handle axis (1).

In regards to claim 26, Rozenkranc discloses the first and second working planes are configured to allow conversion by a user from broad area shaving to trim shaving by rotating the handle 180° about the handle axis (Figs. 2a and 3a).

In regards to claim 27, Rozenkranc discloses wherein at least a portion of the handle is symmetric to facilitate handling of the handle for either broad area shaving or trim shaving (Figs. 2 and 3).

In regards to claim 30, Rozenkranc discloses the handle is elongated and has a curve at an end attached to the razor cartridge (1) and the curve being concave on the same side as the first blade group (Fig. 2).

In regards to claims 31 and 32, Rozenkranc discloses the secondary blade group has a leading-edge blade guard having a thin profile to allow a distance between the cutting blade and the skin (51) and the secondary blade group has a single razor blade (4).

To the degree it can be argued that Rozenkranc does not anticipate first and second working planes intersect at an angle between about 75° and 135°. It would have been obvious to one having ordinary skill in the art at the time the invention was made to intersect the plane angles at an angle between about 75° and 135°, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233. It would have been obvious to one of ordinary skill in the art at the time of the invention to have made the plane intersection angle between about 75° and 135° due to the fact an exact location of the second working plane is not disclosed.

Response to Arguments

6. Applicant's arguments with respect to claims 21, 22, 24-27, 30-32, and 41-44 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendments to claims 21 and 41 overcame the previous rejection as discussed in the interview. Page 8 of the arguments section, applicant provides a picture of Rozenkranc and in this picture discloses the position of the 2nd working plane and one angle formed by the plane intersection. However, the first and second planes form 4 angles when they intersect (W and Y in Appendix A). Now using applicant's measurement of angle Y of 58° makes angle W 122°, which falls within the range.

Angle W is as much of an intersection angle as angle Y. Next, applicant's positioning of the second working plane is not the only position of this working plane. Appendixes A and B disclose alternate positions of the second working plane (U and TA) that still anticipate the claim. The claims do not disclose a specific position of the second working plane only that the blade is acute with the second working plane.

Using Appendix A item 51 is clearly thinner than item 6 therefore it incorporates a thin profile. The term "thin" is a relative term. Meaning it must be compared to another item to allow one to determine what "thin" means. Without a comparison (i.e. wall A is thinner than wall B) anything can be considered thin. Applicant is trying to argue that area of Rozenkranc incorporating blade 4 is broader than the area of the instant application incorporating blade 60 however, has not included any structural limitations into the claim preventing the examiner's interpretation of a thin profile. For example, an elephant is a big animal but a blue whale is a bigger animal, does that no longer allow

one to consider the elephant a big animal. Without the comparison, the elephant and the blue whale are both big animals but with a comparison a blue whale is the big animal and the elephant is the smaller animal. The same thing goes with the term "thin". Applicant thin profile section may be thinner than the same section in Rozenkranc but without a structural comparison both can be considered thin.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Roberts, Welsh, Hoffman, Pedersen, Luxton, JP 52015761, WO 9426476, and FR 2632886.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is (571) 272-4513. The examiner can normally be reached on 7:00-4:30, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

May 16, 2007

A handwritten signature in black ink, appearing to read "Jason Prone", written over the printed name.

Patent Examiner

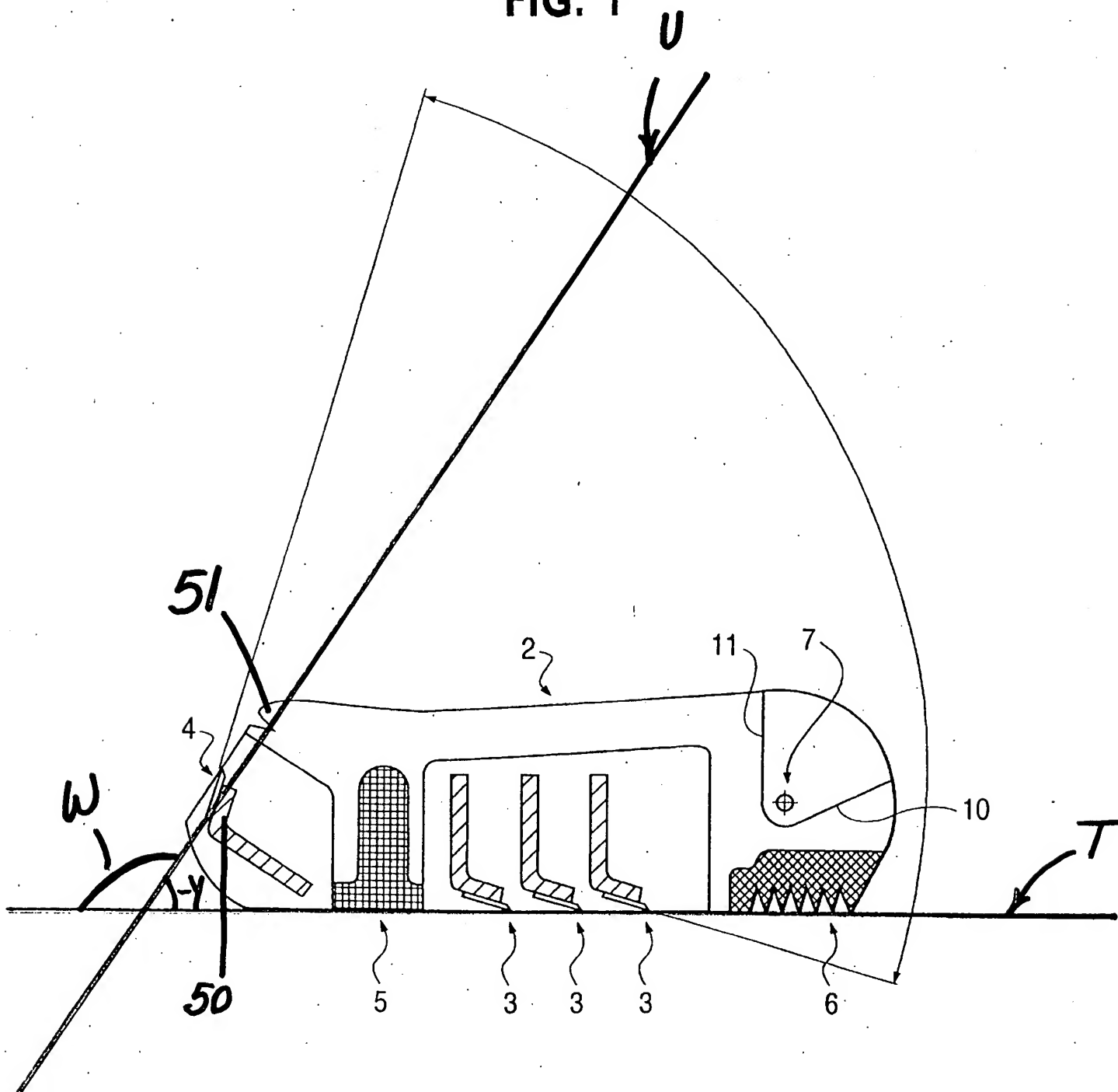
Jason Prone

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T.C. 3700

Appendix A

FIG. 1



Appendix B

